

Environmental Protection Agency

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approved in the SIP and that results in reductions in emissions of PM_{2.5} or PM_{2.5} precursors in a nonattainment area.

Full implementation inventory is the projected RFP emission inventory for the year preceding the attainment date, representing a level of emissions that demonstrates attainment.

Milestone year inventory is the projected RFP emission inventory for the applicable RFP milestone year (*i.e.* 2009 and, where applicable, 2012).

PM_{2.5} NAAQS means the particulate matter national ambient air quality standards (annual and 24-hour) codified at 40 CFR 50.7.

PM_{2.5} design value for a nonattainment area is the highest of the three-year average concentrations calculated for the monitors in the area, in accordance with 40 CFR part 50, appendix N.

PM_{2.5} attainment plan precursor means SO₂ and those other PM_{2.5} precursors emitted by sources in the State which the State must evaluate for emission reduction measures to be included in its PM_{2.5} nonattainment area or maintenance area plan.

PM_{2.5} precursor means those air pollutants other than PM_{2.5} direct emissions that contribute to the formation of PM_{2.5}. PM_{2.5} precursors include SO₂, NO_x, volatile organic compounds, and ammonia.

Reasonable further progress (RFP) means the incremental emissions reductions toward attainment required under sections 172(c)(2) and 171(1).

Subpart 1 means the general attainment plan requirements found in subpart 1 of part D of title I of the Act.

§51.1001 Applicability of part 51.

The provisions in subparts A through X of this part apply to areas for purposes of the PM_{2.5} NAAQS to the extent they are not inconsistent with the provisions of this subpart.

§51.1002 Submittal of State implementation plan.

(a) For any area designated by EPA as nonattainment for the PM_{2.5} NAAQS, the State must submit a State implementation plan satisfying the requirements of section 172 of the Act and this subpart to EPA by the date prescribed by EPA which will be no

later than 3 years from the date of designation.

(b) The State must submit a plan consistent with the requirements of section 110(a)(2) of the Act unless the State already has fulfilled this obligation for the purposes of implementing the PM_{2.5} NAAQS.

(c) *Pollutants contributing to fine particle concentrations.* The State implementation plan must identify and evaluate sources of PM_{2.5} direct emissions and PM_{2.5} attainment plan precursors in accordance with §§51.1009 and 51.1010. After January 1, 2011, for purposes of establishing emissions limits under 51.1009 and 51.1010, States must establish such limits taking into consideration the condensable fraction of direct PM_{2.5} emissions. Prior to this date, States are not prohibited from establishing source emission limits that include the condensable fraction of direct PM_{2.5}.

(1) The State must address sulfur dioxide as a PM_{2.5} attainment plan precursor and evaluate sources of SO₂ emissions in the State for control measures.

(2) The State must address NO_x as a PM_{2.5} attainment plan precursor and evaluate sources of NO_x emissions in the State for control measures, unless the State and EPA provide an appropriate technical demonstration for a specific area showing that NO_x emissions from sources in the State do not significantly contribute to PM_{2.5} concentrations in the nonattainment area.

(3) The State is not required to address VOC as a PM_{2.5} attainment plan precursor and evaluate sources of VOC emissions in the State for control measures, unless:

(i) the State provides an appropriate technical demonstration for a specific area showing that VOC emissions from sources in the State significantly contribute to PM_{2.5} concentrations in the nonattainment area, and such demonstration is approved by EPA; or

(ii) The EPA provides such a technical demonstration.

(4) The State is not required to address ammonia as a PM_{2.5} attainment plan precursor and evaluate sources of ammonia emissions from sources in the State for control measures, unless:

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(i) The State provides an appropriate technical demonstration for a specific area showing that ammonia emissions from sources in the State significantly contribute to PM_{2.5} concentrations in the nonattainment area, and such demonstration is approved by EPA; or

(ii) The EPA provides such a technical demonstration.

(5) The State must submit a demonstration to reverse any presumption in this rule for a PM_{2.5} precursor with respect to a particular nonattainment area, if the administrative record related to development of its SIP shows that the presumption is not technically justified for that area.

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§ 51.1004 Attainment dates.

(a) Consistent with section 172(a)(2)(A) of the Act, the attainment date for an area designated nonattainment for the PM_{2.5} NAAQS will be the date by which attainment can be achieved as expeditiously as practicable, but no more than five years from the date of designation. The Administrator may extend the attainment date to the extent the Administrator determines appropriate, for a period no greater than 10 years from the date of designation, considering the severity of nonattainment and the availability and feasibility of pollution control measures.

(b) In the SIP submittal for each of its nonattainment areas, the State must submit an attainment demonstration justifying its proposed attainment date. For each nonattainment area, the Administrator will approve an attainment date at the same time the Administrator approves the attainment demonstration for the area, consistent with the attainment date timing provision of section 172(a)(2)(A) and paragraph (a) of this section.

(c) Upon a determination by EPA that an area designated nonattainment for the PM_{2.5} NAAQS has attained the standard, the requirements for such area to submit attainment demonstrations and associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the PM_{2.5} NAAQS

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shall be suspended until such time as: the area is redesignated to attainment, at which time the requirements no longer apply; or EPA determines that the area has violated the PM_{2.5} NAAQS, at which time the area is again required to submit such plans.

§ 51.1005 One-year extensions of the attainment date.

(a) Pursuant to section 172(a)(2)(C)(ii) of the Act, a State with an area that fails to attain the PM_{2.5} NAAQS by its attainment date may apply for an initial 1-year attainment date extension if the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and:

(1) For an area that violates the annual PM_{2.5} NAAQS as of its attainment date, the annual average concentration for the most recent year at each monitor is 15.0 µg/m³ or less (calculated according to the data analysis requirements in 40 CFR part 50, appendix N).

(2) For an area that violates the 24-hour PM_{2.5} NAAQS as of its attainment date, the 98th percentile concentration for the most recent year at each monitor is 65 µg/m³ or less (calculated according to the data analysis requirements in 40 CFR part 50, appendix N).

(b) An area that fails to attain the PM_{2.5} NAAQS after receiving a 1-year attainment date extension may apply for a second 1-year attainment date extension pursuant to section 172(a)(2)(C)(ii) if the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and:

(1) For an area that violates the annual PM_{2.5} NAAQS as of its attainment date, the two-year average of annual average concentrations at each monitor, based on the first extension year and the previous year, is 15.0 µg/m³ or less (calculated according to the data analysis requirements in 40 CFR part 50, appendix N).

(2) For an area that violates the 24-hour PM_{2.5} NAAQS as of its attainment date, the two-year average of annual 98th percentile concentrations at each monitor, based on the first extension year and the previous year, is 65 µg/m³ or less (calculated according to the